

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-cv-196-bbc

MATTHEW HAUGHIAN, and  
LAKEVIEW MEDICAL CENTER, INC.,

Defendants.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The above-captioned matter having come before the Court to be heard, Honorable Barbara B. Crabb, United States District Judge for the Western District of Wisconsin, presiding without a jury, on July 29, 2015, the Plaintiff, United States of America ("Plaintiff"), having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendants herein except as may be noted on the record; and it appearing by the Declaration of Barbara L. Oswald, Assistant United States Attorney, Office of the United States Attorney, on file herein, that Defendant is in default; and it further appearing that due notice of the Application for Judgment by Default has been made to the Defendant, and that a Certificate of Service was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the Court having

heard arguments from Plaintiff's counsel, therefore makes and files the following Findings of Fact and Conclusions of Law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in Plaintiff's complaint are proven true.
2. There is now due and unpaid on all Notes and Mortgages as of July 29, 2015, the following sums: See Attachment A.
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.
4. The mortgaged premises are described as follows:

The Northeast Quarter of the Northeast Quarter, except 112 of Deed, Page 195 for highway; That part of the Northwest Quarter of the Northeast Quarter, described as follows: Commencing at the Northeast corner of said NWNE; thence West along the North 40 line 562 feet; thence Southeasterly to a point 64 feet West of the Southeast corner of said NWNE; thence East along the South 40 line 64 feet more or less to said Southeast corner; thence North along the East 40 line to the said Northeast corner; except the South 376 feet thereof; All in section 13, Township 34 North, Range 13 West (in the town of Clinton), Barron County, Wisconsin.
5. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.
6. Notice of the pendency of this action was duly given on April 8, 2015, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Barron County, Wisconsin. This was done in the manner and

form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

7. The Defendants have not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendants.

#### CONCLUSIONS OF LAW

1. Plaintiff is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in Plaintiff's Complaint, and in accordance with the above Findings of Fact.

2. Plaintiff is entitled to recover from the Defendants the following sum: See Attachment A.

3. The Defendants subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

4. The mortgaged premises shall be sold as a whole.

5. That if necessary to secure possession of the premises, the Clerk of Court, upon application by Plaintiff, shall issue a Writ of Assistance.

6. The Defendants shall not be granted a right of redemption.

7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in the Barron News-Shield, the newspaper published in the City of Barron, Barron County, Wisconsin.

8. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendant's debt to the United States as set forth in Attachment A, plus necessary costs and disbursements.

9. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.

10. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 29<sup>th</sup> day of July, 2015.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB

United States District Judge

*United States v. Matthew Haughian, et al.*

Case No. 15-cv-196-bbc

ATTACHMENT A

Notes and Mortgages

a.	Principal as of July 29, 2015	\$ 231,269.49
b.	Interest as of July 29, 2015	<u>\$ 50,806.70</u>
	Total as of July 29, 2015	<u>\$ 282,076.19</u>

Costs and Disbursements

c.	Title Opinion	\$ 375.00
d.	Filing of Notice of Lis Pendens	<u>\$ 30.00</u>
	Total Costs & Disbursements	<u>\$ 405.00</u>

TOTAL AS OF JULY 29, 2015	<u>\$ 282,481.19</u>
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